

REMARKS

Amendments

New independent claims 74 and 75 are added. Claim 74 combines features of original claims 10, 11, 13, and 15. New claim 75 combines features of original claims 1, 2, 4 and 6.

Restriction

Contrary to the assertion presented in the Office Action, applicants' claims 35-72 are not drawn to a non-elected invention, nor has there been an election by prosecution or otherwise.

In the Office Action, it is alleged that applicants' original claim 1 was drawn solely to purine and pyrimidine compounds. This is incorrect. Applicants' claims 1 and 10 each recited processes for preparing compounds of formula (I) in which R₂ was defined as a "purine or pyrimidine base or analogue or derivative thereof."

Further, the Office Action argues that new claim 35 recites triazines, pyrroles, imidazoles, etc. However, claim 35 clearly recites R₂ groups **which were recited in the original claims**. See the R₂ groups recited in, for example, claims 2, 3, 11, and 12. In the prior Office Action issued November 11, 2001 (Paper No. 5), these claims were not withdrawn from consideration, but instead were examined with the other claims. Moreover, the prior Office Action did not indicate or suggest that the subject matter recited therein was subject to a restriction requirement or an election of species.

By canceling the original claims and presenting new claims 35-73, applicants have merely revised the claimed subject matter to a subgeneric concept encompassed within the original claims. Thus, applicants' respectfully request that examination proceed on the basis of applicants' claims 35-72.

As for claim 73, this claim merely recites a small number of intermediate compounds. It is respectfully submitted that examination of this claim along with the elected process claims does not impose an undue or serious burden on the Examiner. See, e.g., MPEP §803. Thus, examination of claim 73 along with claims 35-72 is respectfully requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,


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